

<b>DIVISION OF MINERAL MINING PROCEDURES MANUAL</b>		<b>PROCEDURE NO.</b>	2.11.00
		<b>ISSUE DATE</b>	05/21/97
<b>SUBJECT</b>	Recommending Bond Forfeitures	<b>Section</b>	Enforcement
		<b>Last Revised</b>	09/21/95

**OBJECTIVE AND INTENT:**

To provide for consistent and effective methodology in processing possible bond forfeitures with clean communications and coordination between Enforcement Section, Permitting Section, and the Special Projects Section.

**PROCEDURES:**

- If a Notice of Non-compliance has not been complied, the Mine Inspector will immediately contact his supervisor for a determination of appropriate action to be taken.
- If it is determined that bond forfeiture is to be recommended, the Mine Inspector will advise the operator of the recommendation to forfeit the bond and explain the operators right of appeal if such action in taken.
- An Inspection Report will be issued documenting the request for bond forfeiture. Copies will be distributed in accordance with *DMM Policy 2.7*.
- A Fact Sheet will be submitted to the DMM office provided a chronology of all relative information concerning the violation, including:
  - \* Date of issuance and expiration of the Special Order;
  - \* Date of issuance and expiration of the Notice of Non-compliance;
  - \* List of work items complied;
  - \* List of work items not complied;
  - \* All other pertinent information which may be used in court or at hearings.
- The DMM Director may authorize the forfeiture based upon facts submitted. If authorized, the Director will send a letter of notification to the operator informing him of his decision.
- The Special Projects Manager will develop a plan of reclamation with a cost estimate for the site with the assistance of the area mine inspector and other Division staff.
- Copies of the letter of notification as well as other documents related to the forfeiture and the permit file will be given to the Special Projects Manager by the Permit Section/ Program Support Technician.
- The DMM Director will secure the cash bonds, certificates of deposit, or surety bonds associated with the site.
- Upon notification from the DMM Director, a budget form will be completed by the Special Projects Manager and sent to the DMME Budget Analyst, along with a letter stating the estimated additional moneys that will need to be transferred from the Minerals Reclamation Fund to the Bond Forfeiture Fund to perform the reclamation.
- In cases where the permittee is not a member of the Minerals Reclamation Fund, the Special Projects Manager will send the DMME Budget Analyst a letter stating the estimated additional moneys that will need to be transferred from the Orphaned Land Fund to perform the reclamation.

<b>DIVISION OF MINERAL MINING PROCEDURES MANUAL</b>		<b>PROCEDURE NO.</b>	2.11.00
		<b>ISSUE DATE</b>	05/21/97
<b>SUBJECT</b>	Recommending Bond Forfeitures	<b>Section</b>	Enforcement
		<b>Last Revised</b>	09/21/95

- The Special Projects Manager will give the Permit Section/Program Support Technician copies of the budget form and letter. Upon receiving a copy of the Agency Transfer Voucher from the DMME Budget Analyst, the Program Support Technician will prepare a receipt on the Mineral Mining System showing that moneys were transferred out of the Minerals Reclamation Fund, or Orphaned Land Fund to the Bond Forfeiture Fund.
- The Special Projects Management Section will contract out the bond forfeiture reclamation project using the standard orphaned land reclamation procurement procedures.
- The Special Projects Manager will submit a revised budget form to the DMME Budget Analyst and the Permit Section/Program Support Technician when projects are procured showing the amended costs.
- Depending upon an over or under estimate of the budget, the Special Projects Manager will transfer excess moneys to the appropriate code.
- Final payment is made to the contractor when a final budget form is submitted by the Special Projects Section to the DMME Budget Analyst to finalize the project on the DMME Budget Tracking System and the books are closed on the project.
- The Permit Section Program Support Technician will receive a copy of the final budget form from the Special Projects Manager and prepare the appropriate receipt. Copies of the receipts and other correspondence related to the bond forfeiture will be given to the Special Projects Manager by the Administrative and Permitting Sections.
- The Special Projects Manager and the DMM Director will review the reclamation file and related costs to determine if actions will be taken to collect reclamation costs and expenses in excess of the operator's posted bond.
- If it is determined that collections will be pursued, the DMM Director will coordinate the collection efforts through the Assistant Attorney General representing DMME.